

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GILEAD SCIENCES, INC., *et uno*,

Plaintiffs,

-v-

LUPIN LTD.,

Defendant.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/18/2014

No. 12-cv-6293 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

As stated on the record at the July 17, 2014 conference, IT IS HEREBY ORDERED THAT the parties shall, no later than October 24, 2014, submit a Joint Proposed Pretrial Order that includes, in separately numbered paragraphs, the information required pretrial by Federal Rule of Civil Procedure 26(a)(3) and the following:

1. The full caption of the action;
2. The names, street addresses (including firm names), and telephone and e-mail addresses of all trial counsel;
3. A brief statement by Plaintiffs as to the basis of subject matter jurisdiction, and a brief statement by Defendant to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all authority relied on and relevant facts as to citizenship and jurisdictional amount;
4. A brief summary by each party of the claims and defenses that the party has asserted which remain to be tried, without recital of evidentiary matters but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried;
5. A statement by each party as to the number of trial days needed;
6. Any stipulations of fact or law that have been agreed to by the parties;

7. A list by each party of the witnesses whose testimony will be offered in its case in chief;
8. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party;
9. A list by each party of exhibits to be offered in its case in chief, with an indication of whether any party objects to the exhibit and a *brief* statement of the nature of the objection (e.g., “relevance,” “authenticity,” “hearsay”); and
10. Motions addressing any evidentiary or other issues which should be resolved *in limine*.

Any party may file oppositions to any motions *in limine* within one week of the filing of the Joint Proposed Pretrial Order.

IT IS FURTHER ORDERED THAT the parties shall, no later than November 7, 2014, file the following:

1. Proposed findings of fact and conclusions of law. Proposed findings of fact should be detailed and should be submitted on a CD in Word or WordPerfect format;
2. Affidavits constituting the direct testimony of each trial witness, except for testimony of an adverse party, a person whose attendance must be compelled by subpoena, or a person for whom a party has requested and the Court has agreed to hear direct testimony during the trial; and
3. If a party believes it would be useful, a pretrial memorandum.

Any party may file oppositions to any legal argument in a pretrial memorandum within two weeks of the filing of the memorandum. Similarly, within two weeks of the filing of the affidavits, counsel for each party shall submit a list of all affiants whom he or she intends to cross-examine at the trial. Only those witnesses who will be cross-examined need appear at trial. The original affidavit shall be marked as an exhibit at trial.

IT IS FURTHER ORDERED THAT each party shall, no later than November 7, 2014, serve, but not file, the following:

1. All deposition excerpts which will be offered as substantive evidence, as well as a one-page synopsis (with page references) of those excerpts for each deposition; and
2. All documentary evidence.

Two courtesy copies of the aforementioned documents should be submitted to chambers on the date of filing or service.

Finally, IT IS FURTHER ORDERED THAT each party shall appear on Thursday, December 4, 2014, at 10:00 a.m. for a final pre-trial conference. Trial shall commence on Monday, December 8, 2014, at 9:30 a.m.

SO ORDERED.

DATED: July 17, 2014
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE